

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CHARLES HADDAD,
Plaintiff,

v.

Civil No. 04-74932
Hon. Anna Diggs Taylor

INDIANA PACERS, an assumed name a/k/a
PACERS BASKETBALL CORPORATION, an
Indiana corporation, JERMAINE O'NEAL and
ANTHONY JOHNSON,
Defendants.

/

NOTICE OF HEARING AND ORDER SETTING BRIEFING SCHEDULE

On March 16, 2005, Defendant Indiana Pacers filed a Motion to Dismiss Punitive and Exemplary Damages Claims pursuant to FRCP 12(b)(6).

Now, therefore,

IT IS ORDERED that the movants shall attempt to seek concurrence in the above referenced motion, pursuant to Rule 7.1(a) of the Local Rules of the Eastern District of Michigan.

IT IS FURTHER ORDERED that parties shall file response and reply briefs with this Court in accordance with Rule 7.1(c) and Rule 7.1(d) of the Local Rules of Eastern District of Michigan.

- Plaintiff's Response brief is due April 6, 2005.
- Defendant's Reply brief is due April 13, 2005.

If the non-moving party does not file a response to said motion by the date specified above, or obtain from the Court an extension of time within which file said response, the motion may be considered unopposed and the Court may enter an Order granting the relief requested.

IT IS ALSO ORDERED that the parties shall appear in **Room 602, U.S. Theodore Levin Courthouse, Detroit, Michigan**, and shall present oral arguments on **Monday, May 16, 2005 @ 9:00 a.m.**

Both the moving party and the party opposing the motion should be prepared to submit to the Court their proposed orders at the conclusion of oral argument.

If the date for oral argument on this motion follows the dates previously set for either the final pretrial conference or trial, then those dates are hereby adjourned pending the resolution of this motion.

IT IS SO ORDERED.

Date: _____
Detroit, Michigan

ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

**PURSUANT TO FRCivP COPIES
HAVE BEEN FAXED, AS OF THIS DATE
TO:**

Steven Potter
L.S. Charfoos
Thomas Cranmer

By: _____